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REMARKS

Claims 1, 3-34, and 36-66 are pending in the application. Claims 1, 3-34, and 36-66 stand rejected. Claims 1, 29, 34, and 62 are being amended. These claims are being amended to revert them substantially to their originally filed form. New claims 67 and 68 are being added, which correspond to originally filed claims 2 and 35. Because the amended claims were originally filed with substantially the same elements and the new claims were originally filed, Applicants respectfully submit that no new matter is being introduced.

Because of the manner in which the claims are being amended, Applicants refer now to the present Final Office Action parts 1-3 because of possible relevance to the currently amended claims.

In part 1, the response to arguments indicates that the arguments presented in the amendment filed on November 8, 2006 were considered, but the previous rejection was maintained due to reasons that will be discussed hereinbelow.

In part 2 of the present Final Office Action, objections drawn towards minor informalities were withdrawn. Applicants believe the objections should continue to be withdrawn.

In part 3 of the present Final Office Action, the rejection of claims 1, 29, and 62 under 35 U.S.C. 112, first paragraph directed towards a single means claim was withdrawn. However, Applicant is amending these claims to be similar to the claims as originally filed. In anticipation of the rejection being raised again, Applicants respectfully submit that claims 1, 29, and 62 are not "means" claims. MPEP 2818 (I) sets forth the requirements for a claim to be a "means" claim. Specifically, the claim element must use the phrase "means for" or "step for", where either must be modified by functional language, and the "means for" must not be modified by sufficient structure. As presently constructed, none of claims 1, 29, or 62 include the "means for" language and, consequently, are not "means" claims.

Should the rejection under 35 U.S.C. 112, first paragraph be raised again, Applicants respectfully request an Examiner's Interview to discuss the rejection.

In part 4 of the present Final Office Action, reasons are presented to describe why Applicants' previously submitted arguments were fully considered but not persuasive.

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Applicants address these reasons in response to the maintained rejections in parts 5-14 of the Final Office Action.

Remarks Regarding Rejections under 35 U.S.C. §101

In parts 5 and 6 of the Final Office Action, claims 62-66 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, claim 62 is said to be merely a manipulation of abstract data in a processing device that does not, in itself, produce a useful, concrete, and tangible result.

As now amended, claim 62 recites, "transmitting adjusted first and second bits to a device to produce a corresponding audible signal with managed echo for an end user." Support is found interspersed throughout the drawings and specification as originally filed. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 101 is overcome. Because claim 63-66 depend from claim 62, these claims should be allowed for at least the same reasons.

Independent claim 29 is being amended in a similar manner as now amended claim 62. Therefore, Applicants respectfully submit that claim 29, and its dependent claims 30-33, should also be in condition for allowance under 35 U.S.C. 101.

Remarks Regarding Rejections Under 35 U.S.C. § 102

In part 7 and 8 of the Final Office Action, claims 1, 3, 13-15, 16-18, 20-21, 25-41, 34, 36, 46-48, 49-51, 53-54, and 58-64 were rejected under 35 U.S.C. 102(e) as being anticipated by Yue et al. (U.S. Patent No. 6,026,356) ("Yue").

Claim 1 as now amended recites, "a processor...to generate an adjusted first parameter in a presence of speech, noise, and combination thereof and to replace first said parameter with said adjusted first parameter," where the underlined text indicates elements being added by way of amendment. Support for the amendment can be found on at least page 65, lines 4-13 as originally filed and illustrated in at least corresponding Figure 33.

On page 65, lines 4-13 of the specification as originally filed, Applicants describe adjusting at least a first parameter representing an audio signal in a digital signal using a compression code to manage a noise characteristic in the digital signal. Applicants describe

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adjusting the at least first parameter in a presence of speech, noise, and combination thereof on at least page 65, line 4 through page 66, line 16.

In contrast, Yue discloses, at least in the abstract, classifying successive data frames into frames containing speech sound and non-speech sounds, altering parameters of the data frames identified as containing non-speech sounds for eliminating or at least substantially reducing artifacts that distort the acoustic background noise. As illustrated in Fig. 4 of Yue, a speech detector 400 determines if speech is present in input data frames 110 and, if speech is detected, the data frame(s) are output without modification (indicated by the flow path directed to the right from the speech detector 400). Yue further describes this in column 5, lines 45-49.

In column 8, lines 35-46, Yue states that, “[t]he ability of the signal processing device 100 to operate on data frames without effecting any de-compression of those identified to contain speech sounds is particularly advantageous for such communication links because the quality of the voice signals is preserved.” Thus, Yue teaches away from Applicants’ claim 1 as now amended (“to generate an adjusted first parameter in a presence of speech, noise, and combination thereof”).

Independent claim 34 includes similar elements as amended claim 1 and should be allowed for similar reasons.

Because claims 3, 13-15, 16-18, 20, 21, and 25-28 depend from claim 1 and claims 36, 46-48, 49-51, 53-54, and 58-61 depend from independent claim 34, these dependent claims should be allowed under 35 U.S.C. 102(e) for at least the same reasons as the independent claims from which they depend.

With regard to independent claims 29 and 62 and their respective dependent claims, independent claim 62 is being amended to recite, “adjusting said first bits [using a compression code] and second bits [using a linear code]...to manage the noise characteristic in the digital signals.” The invention defined by claims 29 and 62 may be used in a system in a network employing bits with a combination of a compression code and linear code referred to herein as a “hybrid coded-linear format,” such as in a case of transmitting speech in a legacy system that employs Time Division Multiplexing (TDM) with 8 bit slots in which the speech is represented, for example, with 2 bits of a coded domain signal and 6 bits of a Pulse Code Modulation (PCM),

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μlaw or A-law signal in the linear domain (see Applicants' originally filed Fig. 3 and at least page 74, lines 3-12).

Yue does not appear to contemplate operation in a network with a hybrid coded/linear format and, therefore, Applicants respectfully submit that Yue does not and cannot anticipate every element of Applicants' claim 62 ("adjusting said first bits [using a compression code] and second bits [using a linear code]... to manage the noise characteristic in the digital signals").

Accordingly, Applicants respectfully submit that claim 62 should be allowed under 35 U.S.C. 102(e). For similar reasons, amended independent claim 29 should also be allowed.

Because claims 30 and 31 depend from claim 29 and claims 63 and 64 depend from claim 62, these dependent claims should be allowed for at least the same reasons as the independent claims from which they depend.

Remarks Regarding Rejections Under 35 U.S.C. §103

In parts 9 and 10 of the Final Office Action, claims 4-5, 22-24, 37-38, and 55-57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yue in view of Swaminathan (U.S. Patent No. 5,495,55).

Because these claims depend from independent claims, the remarks presented above apply. Accordingly, because the combination of Yue and Swaminathan are not directed to the independent claims, the dependent claims should be allowed for at least the same reasons as the independent claims from which they depend.

In part 11 of the Final Office Action, claims 6, 9, 39, and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yue in view of Oshikiri et al. (U.S. Patent No. 5,878,387) ("Oshikiri").

Because these claims depend from independent claims, the remarks presented above apply. Accordingly, because the rejections are not directed to the independent claims, Applicants respectfully submit that these dependent claims should be allowed for at least the same reasons as the independent claims from which they depend.

In part 12 of the Final Office Action, claims 7-8 and 40-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yue in view of Ertem et al. (U.S. Patent No. 6,453,289).

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Because claim 7 and 40 depend from independent claims, the remarks presented above apply. Because the rejections are not directed to the independent claims, Applicants respectfully submit that dependent claims 7 and 40 should be allowable for at least the same reasons as the base claims from which they depend.

In part 13 of the Final Office Action, claims 10-12, 19, 43-45, and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yue in view of Chen (U.S. Patent No. 5,615,298).

Because these claims depend from the independent claims, as amended in the claim listing above, the remarks presented above apply. Because the rejections are not directed to the independent claims, Applicants respectfully submit that the dependent claims should be allowed for at least the same reasons as the independent claims from which they depend.

In part 14 of the Final Office Action, claims 32-33 and 65-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yue in view of Navaro et al. (U.S. Patent No. 6,108,560). Because these claims depend from independent claims, the remarks presented above apply. Accordingly, Applicants respectfully submit that, because the rejections are directed to dependent claims, these dependent claims should be allowed for at least the same reasons as the base claims from which they depend.

New claims 67 and 68 should be allowed for at least the same reasons as the base claims from which they depend.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims that will be pending after entry of this Amendment, claims 1, 3-34, and 36-68 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Date: 8/6/07